

R307-110-13

2. Title: Section IX, Control Measures for Area and Point Sources, Part D, Ozone.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

The purpose of this amendment is to incorporate by reference the new section IX.D of the state implementation plan (ozone 8-hour maintenance plan) in R307-110-13, which replaces the current 1 hour ozone maintenance plan and the current 1 hour ozone SIP. These amendments are part of revisions to rules related to the ozone maintenance plan (see separate filing on R307-307-101-2, R307-320, R307-325, R307-326, R307-327, R307-328, R307-332, R307-335, R037-340, R307-341, R307-342, and R307-343 in this issue.)

6. Summary of the rule change:

This amendment revises R307-110-13 by replacing Section IX.D of the state implementation plan that is incorporated by reference by R307-110-13. There are several important changes in the 8-hour maintenance plan:

The following is a list of major differences between this draft plan and the existing 1-hour maintenance plan:

1. The previous 1-hour maintenance plan established a mobile source budget for purposes of transportation conformity. When the 1-hour standard was revoked, effective June 15, 2005, transportation conformity no longer applied. Therefore, the mobile source budgets for Salt Lake and Davis Counties are not included in this plan and the Wasatch Front Regional Council is not required to demonstrate conformity with the mobile source inventory that is included in this plan.

2. The previous plan included a case-by-case volatile organic compound (VOC) reasonably available control technology (RACT) determination for Hill Air Force Base (Hill) and Olympia Sales. The intent of that determination was to demonstrate that current operations at these two sources were RACT, and that any future changes would be covered by the new source review (NSR) program. EPA interpreted this SIP provision in a more stringent manner than intended, and considered every provision in the applicable approval orders to be a SIP condition. To resolve this unworkable interpretation, we have worked with Hill to develop a new RACT determination for Hill to reflect underlying standards such as Utah's RACT rules and federal maximum achievable control technology (MACT) standards. Because the MACT standards were implemented since the previous 1-hour maintenance plan was adopted, the overall RACT level will now be more stringent than what was considered RACT in the mid-1990's.

3. When the 1-hour ozone maintenance plan was originally adopted in 1993, EPA required Utah to include contingency measures that were already adopted and could be implemented quickly. It was later discovered that the contingency measures did not need to be adopted, but could be identified as potential contingency measures that could be evaluated and adopted within a reasonable time period after an ozone violation occurred. In this 8-hour maintenance plan, a list of possible contingency measures is included. However, DAQ is recommending deleting the pre-approved rules for Stage II Vapor Recovery and several other contingencies because if and when they may be triggered in the future, those contingencies that are implemented will be selected based on information available at that time.

4. The Inspection and Maintenance Program performance standards for Salt Lake and Davis Counties are reestablished using EPA MOBILE6 software and the target years have been

extended through 2014.

5. The old 1-hour maintenance plan in Section IX.D.1 of the SIP is deleted. This plan was adopted in the early 1980's and is no longer applicable because it was developed to attain the 1-hour ozone standard.

This plan was developed according to current EPA guidance and demonstrates that Salt Lake and Davis Counties will remain in compliance to the Ozone NAAQS through 2014.

The proposed maintenance plan is available at http://www.airquality.utah.gov/Public-Interest/Current-Issues/ozone_maintenance/index.htm.

7. Aggregate anticipated cost or savings to:

a. State budget: Because these revisions do not create any new requirements, no change in costs is expected to the state budget.

b. Local government: Because these revisions do not create any new requirements, no change in costs is expected for local governments.

c. Other persons: Because these revisions do not create any new requirements, no change in costs is expected for other persons.

8. Compliance costs for affected persons:

Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

Because these revisions do not create new requirements, no change to costs is expected for businesses. (Dr. Dianne R. Nielson, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104(3)(e)

11. Materials incorporated by reference?

State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part D, Ozone Maintenance Provisions for Salt Lake and Davis Counties

12. Public comment and hearing info: October 17, 2006 at 2 pm in Room 101 of the DEQ Building at 168 N 1950 West in Salt Lake City.

13. May become effective on : December 7, 2006

14. Keywords: environmental protection, PM10, PM2.5, ozone